P.R. No. 4096/06
Presented by Shri Pankaj Shrivastava
dated 29/12/06

SINGLE BENCH

C-8-100

(2)

(4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION (S) NO. 2031 /2006

P. R. Sahu,
S/o- Shri L.R. Sahu,
Aged about 42 years,
Presently working as Chief Executive Officer,
Janpad Panchayat - Nagri,
Distt. Dhamtari,
Chhattisgarh. **PETITIONER**

VERSUS

1. State of Chhattisgarh,
Through- Secretary,
Deptt. of SC, ST & Tribal Welfare,
D.K.S. Bhawan, Mantralaya,
Raipur, Chhattisgarh.

2. Shri R.K. Sharma,
Chief Executive Officer,
Janpad Panchayat – Charama,
Distt. Kanker, RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT IN THE NATURE OF MANDAMUS, CERTIORARI ETC.

. XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

34

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.8.2006:-

Shri Pankaj Shrivastava, counsel for the petitioner.

Shri Satish Gupta, Deputy G.A. for the State, on advance copy.

Heard.

By the instant petition, the petitioner has challenged his transfer order Annexure-P/1 dated 28th June 2006 as well as the order dated 21-7-2006 whereby the representation of the petitioner is rejected.

The case of the petitioner is that the petitioner is working as Chief Executive Officer, Janpad Panchayat, Nagri and vide order dated 28-6-2006 he has been transferred on the post of CEO at Keshkal.

The petitioner's grievance is that his daughter is suffering from Sickle Cell Anemia, therefore, she is required to undergo blood transfusion 3-4 times in a year. Accordingly, the petitioner was allowed to make a representation to the State/respondent which has been considered by the State and same has been rejected vide order dated 21-7-2006 mentioning therein that Dhamtari is at a distance of 64 km from Nagri whereas, Keshkal is 65 km from Dhamtari and as per the Secretary, both the places are at equidistance.

Learned counsel for the petitioner submitted that the distance of Keshkal from Dhamtari is 95 km, therefore, the impugned order is incorrect.

Having heard learned counsel for the parties, I have considered the aspect argued by learned counsel for the petitioner. Even if it is taken to be 95 km from Keshkal, Keshkal falls on the National Highway whereas, Nagri is in the interior area, therefore, reaching to Dhamtari from Nagri or Keshkal is not going to make much difference, as such the petition of the

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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Barve	petitioner is devoid of merit. Moreover, the transfer can be challenged if the same is outcome of malafide or contrary to the statutory rules. In the result, the writ petition is liable to be dismissed and it is hereby dismissed. Consequently, M.(W.)P. No.3134/2006 and I.A. No.7558/2006 also stand disposed of. Sd/- L.C. Bhadoo Judge	

P.T.O.